

New Audit Guidelines

- The Office of Government Ethics (OGE) has been conducting Program Reviews of installations under new program review guidelines.
- We've received feedback from some of these installations.
- OGE now conducts a pre-review of the agency's ethics program to determine what type of review (limited, in-depth, or full review) will be done at the agency.

(A limited review is basically a quick inspection of the program; an in-depth review is a thorough review of one or more aspects of the program that appeared in the pre-review to have some weakness; and a full review is a thorough review of the entire ethics program). The pre-review will consist of examining internal documents filed by the agency, an examination of prior agency review reports, and discussions with the agency's OGE desk officer, the agency's ethics officials and Inspector General's Office.

- Approximately one month prior to the Review, OGE provides the Chief Counsel with a letter listing the ethics program elements of which one or more would be examined. These included:

- Enforcement
- Ethics agreements
- Written advice/counseling
- Education and training
- Public financial disclosure
- Confidential financial disclosure
- Agency-specific ethics prohibitions, restrictions, and requirements
- Travel payments under 31 U.S.C. § 1353
- Special government employees
- Independent boards and commissions

- Also included in the letter was checklist of materials required for review. In addition to other materials relevant to the elements listed above, the checklist included the following:
 - Agency mission statement and organization chart;
 - Information on referrals of alleged violations to the Department of Justice & information on other disciplinary action taken;
 - Current written ethics agreements;
 - Samples of written advice and counseling;
 - Current written plans for conducting ethics training, as well as ethics orientation and training materials;
 - Procedures governing the collection, review and public availability of public financial disclosure reports;

- Access to all public and confidential financial reports, as well as lists of employees required to file;
 - Procedures and governing the acceptance of travel payments;
 - Lists of those qualifying as Special Government employees.
- Upon arrival, the OGE auditor advised that the primary focus for his program review would be in the following areas:
 - Written advice/counseling
 - Education and training
 - Public financial disclosure
 - Confidential financial disclosure
 - Travel payments
 - New employee training
 - The OGE auditor has paid particular attention to, and reviewed in detail, SF-278s and a sampling of OGE 450s. The auditor noted that a “cautionary letter” should be added to disqualification letters from prior years. He also noted favorably that the all SF 278 filers had received in-person training each year.
 - While some installations have provided in-person training every three years, the auditor noted that ethics-grams and newspaper articles were not sufficient to satisfy training requirements in the intervening years. (Now face-to-face every year)
 - Procedures need to be in place to handle enforcement issues as they arise. A table of punishments is also required.
 - The auditor also reviewed measures in place to insure that all new employees received initial ethics training within 30 days of their arrival.
 - Handouts of just the 14 principles is not sufficient. Handouts must include contact info for ethics counselors.
 - One hour of duty time must be provided to study Standards and the JER
 - The names of new entrants trained must be captured and retained for two years.
 - The auditor also reviewed written ethics opinions and counseling guidance to include post-employment opinions for correctness of advice and also checked to ensure that no attorney-client privilege was established.
 - At the conclusion of the audit, the auditor took samples of opinions, a sampling of OGE 450s (including those from subordinate commands), mission statement and organization chart, and ethics newspaper articles and disqualification letters..

- In closing, Installations are encouraged to maintain a dialogue with their OGE auditor. The installation will not have an opportunity to see and respond to a draft audit before the audit is released. However, OGE does maintain the practice where the auditor will discuss his findings with the program officials during and after an audit. Program officials should make every effort to formally and promptly answer any questions the auditor might have, respond with any clarifications that are justified; and respond with any program changes that are warranted.